

Notice of Allowability

Application No.

10/669,782

Examiner

Christina Russell

Applicant(s)

HIRATSUKA ET AL.

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on 7/21/2006.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

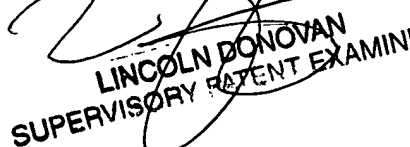
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other


LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Specification

The amendment to the specification spanning pages 20-21 is accepted.

Allowable Subject Matter

1. Claims 1-17 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. The prior art relied upon in the first office action rejection by Yanase (6,235,979) and Taki et al. (5,665,927) no longer teach all the claimed elements of the independent claims 1, 4, 8, 10, 11, 12, 15, and 16, and no other prior art references could be found that teach said claimed elements, therefore the independent claims and their dependent claims are considered allowable.
4. In terms of claims 1, 4, and 8, the applicant is correct in pointing out that even though Yanase teaches the allocation of musical notes or marks to a plurality of staves, that Yanase fails to teach the musical notes or marks spanning across said plurality of staves. Yanase, along with the US patents to Funaki (US 2004/0112201 and US 2003/0167903), Matsumoto (US 2003/0005814 and US 2001/0023633), Uehara (US 2001/0054347), Yamauchi (6,313,387), Jung et al. (US 2004/0182229), Tanaka (US

2003/0177887), and Shibukawa (US 2002/0134216) teach multiple displayed staves or tiers, of the same performance, either as the same or different clefs, but the displayed score stays confined to the individual staves and does not span across or between the staves. Some of the above prior art, such as Matsumoto, teaches the shifting between multiple display portions but again not of the spanning of the musical score across multiple staves. Therefore, independent claims 1, 4, and 8, and their dependent claims, are deemed allowable.

5. In terms of claims 10, 11, 12, 15, and 16, Yanase and Taki et al. no longer teach the claimed elements. Neither Yanase nor Taki et al. teach the varying of note position based on the designated data identifying a type of horizontal or vertical offset, and a parameter value representing the amount of offset as a timing value or as pitch related information, and no other prior art could be found that teach such elements. Therefore, independent claims 10-12, 15 and 16, and their dependent claims, are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

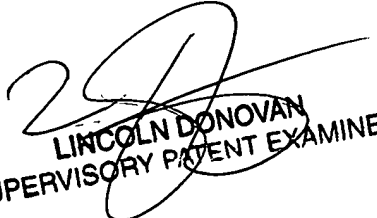
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR
8/15/2006


LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER